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Snell & Wilmer L.L.P. (AMEX)  
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PHOENIX, AZ 85004-2202

EXAMINER
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ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
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3628

NOTIFICATION DATE	DELIVERY MODE
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03/10/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/707,310	<b>Applicant(s)</b> BARTNING ET AL.	
	<b>Examiner</b> AKIBA K. ROBINSON BOYCE	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 8 and 10-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-8, and 10-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

1. Due to communications filed 12/16/09, the following is a final office action. Claim 1 has been amended. Claims 6 and 9 are cancelled. Claims 1-5, 7-8, and 10-13 are pending in this application and have been examined on the merits. Claims 1-5, 7-8, and 10-13 are rejected as follows. The previous rejection has been adjusted to reflect claim amendments.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Block et al (US 2003/0055689 A1), as cited by applicant, and further in view of Henry (US 2009/0074168 A1).

As per claim 1, Block et al discloses:

allowing access to a host server via at least two out of a plurality of travel channels to facilitate formation of a travel plan for a traveler, wherein the plurality of travel channels include an Internet connection, a telephone, and a travel counselor

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office, and wherein the host server is in communication with, and provides access to, a plurality of: travel vendor databases, user multi-use point of service terminals, and global distribution systems that include any computer network that provides inventory access that is at least related to hotel, condominium, rental car, train, bus, and airline inventory, ([0157], shows central server that allows access to web pages and other data, w/[0048], lines 4-6, Internet, [0049], lines 1-10, cell phone, kiosk, w/ [0164], shows Global Distribution System providers (such as Sabre, Worldspan, Amadeus, Galileo) as well as the variety of Internet based booking engines (such as Travelocity) are utilized by a traveler to make travel decisions, where Travelocity is known for booking airline inventory);

associating the travel booking with the traveler, (Claim 43, reserving travel services based on information received in the request and on the travel related information of the traveling member maintained in the central database);

storing the travel booking and customer data for the travel customer in a central repository, ([0010], lines 28-31, shows member's travel needs/preferences are stored in member's portfolio or profile, where profile is shown to be stored in the central memory as shown in [0118]);

retrieving the travel booking and the customer data from the central repository, ([0010], lines 22-28, shows the analysis of travel requirements to make reservations best able to meet member's travel needs. Since member's travel needs/preferences are stored in member's portfolio or profile, [0010], lines 28-31, and the profile is shown to be stored in the central memory in [0118], it is inherent for the

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travel booking and customer data to be retrieved from the central repository in order to be analyzed);

servicing the travel change request according to processing from the second travel counselor by modifying the travel booking to produce a modified travel booking, ([0074], lines 4-6, obtain a text confirmation in the form of a computer print out of travel change);

and storing the modified travel booking in the central repository, (inherent with [0074], lines 4-6, since any information in a text confirmation must be stored in order to actually send the text to the kiosk, in addition, [0159], shows kiosk is in communication with the central server [which contains central memory]).

Receiving a travel change request, the travel change request being presented from the traveler directly to the second travel counselor, however, in [0073] Block discloses that If a member's plans unexpectedly change or if a flight is cancelled or delayed, and particularly if the flight is missed, the member can just click to ezaircharters using a palm or computer, or via cellular phone on the go thru AA chip or Internet connect thru AA icon on a WAP phone, and the AA will arrange for charters from the departing airport that by agreement are on standby, where the charter operators selected by AA for inclusion ensure that standby and equipment are available based on pre-set agreements, where the charter operators represent the second travel counselor.

Book et al does not specifically disclose receiving a travel booking for the travel plan from a first travel counselor at a traveler counselor office by a first one of the travel

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channels, or presenting a travel change request to a second travel counselor, either the same as or different from the first travel counselor, however, does disclose the use of booking engines to facilitate the booking of travel in [0164] such as the Internet 12, as previously indicated...members or users...can gain access to the system website 14 via a number of available devices...include but are not limited to a Wireless Application Protocol (WAP) 16, a cell phone 17, a WebTV 18, a personal computer 20, an iCell, phone 22, a OneTouch 19, a kiosk...as shown in [0049], and also discloses that it is common in the travel industry to include travel agents as shown in [0003], and claim 91 of Block et al also discloses prompting a member, upon access to said system, to advise of travel arrangements to be made, and further discloses maintaining a database of web site addresses for travel service and related providers; and responding to said member's responses to prompts, for *immediately contacting necessary providers to make reservations for the member*, which therefore suggests first and second travel counselors.

However, Henry discloses a Concierge Provider that can retrieve the correct (from the subscriber's perspective) reservation details, put the reservation date in the correct location on the subscriber's personal calendar (as described below), etc. Of course, if the ORS does not support electronic changes to concierge requests, these change requests must be flagged for "manual fulfillment," whereby an operator or fulfillment agent...can take the appropriate steps to accommodate the subscriber's request (e.g. call the car rental agency directly) in [0146], where in this case, the examiner interprets the operator and fulfillment agent as two separate travel agents as

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explained below in the "Response to Arguments" section. It therefore would have been obvious to combine the teachings of Book et al and Henry to receive a travel booking for the travel plan from a travel counselor at a traveler counselor office by a first one of the travel channels, or present the travel change request to a second travel counselor.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to receive a travel booking for the travel plan from a first travel counselor at a traveler counselor office by a first one of the travel channels, or present the travel change request to a second travel counselor with the motivation of allowing the intervention of a third party to facilitate booking of travel and any change requests associated with the travel.

As per claim 2, Block et al discloses:

connecting a plurality of travel vendor databases to the host server, (Claim 6, plurality of Web Pages providing information on a plurality of individual travel facilities).

As per claim 3, Block et al discloses:

further comprising the step of providing direct access to the host server for a plurality of external consumers, [0051], direct inputs).

As per claim 4, Block et al discloses:

further comprising the step of providing a plurality of travel counselor offices, wherein each of the travel offices has access to the host server by said plurality of travel channels, (Fig. 2, kiosks).

As per claim 7, Block et al discloses:

wherein the travel booking comprises flight reservation information, hotel

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reservation information, and car rental information, (Claim 62, 64 and 66, flight, rental vehicle, hotel room).

As per claim 8, Block et al discloses:

further comprising the step of storing fulfillment information in the central repository for the travel booking, ([0012], data fulfilling members travel requirements are available or storage in members portfolio/profile, where profile is in central memory as shown in [0118]).

As per claim 10, the combination of Block et al and Henry disclose:

Wherein the step of receiving a travel change request comprises receiving the travel change request by a travel channel other than a telephone or a travel counselor's office, ([0049] of Block, Access to the website of the system is via the Internet 12, as previously indicated...members or users...can gain access to the system website 14 via a number of available devices...include but are not limited to a Wireless Application Protocol (WAP) 16, a cell phone 17, a WebTV 18, a personal computer 20, an iCell, phone 22, a OneTouch 19, a kiosk..., where requests are made through the website in Block, and change requests are shown by Henry, as shown in the rejection of claim 1).

As per claim 11, the combination of Block et al and Henry disclose:

wherein the step of receiving a travel change request comprises receiving the travel change request using an internet connection, ([0049] of Block, Access to the website of the system is via the Internet 12, as previously indicated...members or users...can gain access to the system website 14 via a number of available



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devices...include but are not limited to a Wireless Application Protocol (WAP) 16, a cell phone 17, a WebTV 18, a personal computer 20, an iCell, phone 22, a OneTouch 19, a kiosk..., where requests are made through the website in Block, and change requests are shown by Henry, as shown in the rejection of claim 1).

As per claim 12, the combination of Block et al and Henry disclose:

wherein the step of receiving a travel change request comprises receiving the travel change request sent from a kiosk, ([0049] of Block, Access to the website of the system is via the Internet 12, as previously indicated...members or users...can gain access to the system website 14 via a number of available devices...include but are not limited to a Wireless Application Protocol (WAP) 16, a cell phone 17, a WebTV 18, a personal computer 20, an iCell, phone 22, a OneTouch 19, a kiosk..., where requests are made through the website in Block, and change requests are shown by Henry, as shown in the rejection of claim 1).

As per claim 13, Block et al discloses:

wherein the plurality of travel channels further includes a voice recognition system, ([0010], The system includes voice recognition means for permitting a user to communicate via voice commands, even while the user or member may already be pursuing travel on a last minute basis, while using the system to complete all further and necessary travel arrangements).

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4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Block et al (US 2003/0055689 A1), as cited by applicant, and further in view of Henry (US 20090074168 A1), as applied to claim 1 above, and further in view of Walker et al (US 5,897,620), as cited by applicant.

As per claim 5, neither Block et al nor Henry disclose the following, but Block et al does disclose the use of email to confirm membership enrollment for travel services in [0072].

However, Walker et al discloses:

wherein the step of receiving a travel booking comprises receiving a travel booking by an unformatted e-mail message, (Col. 5, lines 49-54, shows traveler contacts the travel agent by email). Walker et al discloses this limitation in an analogous art for the purpose of showing that the traveler uses email to provide a travel itinerary.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to receive a travel booking by an unformatted e-mail message with the motivation of allowing a user to utilize the available methods of communication to obtain travel services.

### ***Response to Arguments***

5. Applicant's arguments filed 12/16/09 have been fully considered but they are not persuasive.

Applicant argues that Block et al. teaches away from the features of the claimed method relating to first and second travel counselors, since Block et al. is to enable "travelers to rapidly and interactively communicate via the Internet or other networks with desired websites or other devices for making all necessary travel arrangements..." and means "for facilitating whatever travel arrangements the member wishes to make." Applicant argues that such disclosures of Block et al. are clearly not indicative of a method that involves customer and travel agent interaction, as in the claimed invention. However, claim 91 of Block et al does disclose prompting a member, upon access to said system, to advise of travel arrangements to be made, however, further discloses maintaining a database of web site addresses for travel service and related providers; and responding to said member's responses to prompts, for *immediately contacting necessary providers to make reservations for the member*. This passage therefore suggests first and second travel counselors since "providers" indicate more than one travel provider, and thus, suggests a method that includes, among other things, "presenting a travel change request to a second travel counselor, either the same as or different from [a] first travel counselor, the travel change request being presented from the traveler directly to the second travel counselor," as recited in amended independent claim 1. However, to make the rejection stronger, examiner brought in the Henry reference to clearly teach "receiving a travel booking for the travel plan from a first travel counselor at a traveler counselor office by a first one of the travel channels, or presenting a travel change request to a second travel counselor, either the same as or different from the first travel counselor".

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In addition, applicants submit that the concierge provider service of Henry does not itself include travel agents, however does disclose "fulfillment agents" that fill requests for the concierge services received by "operators.", where neither the operators nor the fulfillment agents are travel agents. Applicant argues that Henry makes this clear by disclosing that the fulfillment agents work *with* travel agents to fill the requests, and in essence, provides a "middleman" in the form of the concierge service operators and fulfillment agents to effect the services offered by the system. However, [0072] shows that the travel agents that fulfillment agents are connected to include web-based travel service providers such as Expedia, Priceline.com, Travelocity, and therefore the fulfillment agents don't need to go through a travel agent "person" or "middleman" to fulfill a reservation request, but can use these web-based applications to himself serve as the travel agent. In addition, [0063] of Henry shows that in a request for a restaurant reservation case, the operator may solicit from the calling customer their first choice for a restaurant, their second choice for a restaurant, preferred seating times, alternative seating times, and information may be directly entered into the form, where [0066] further shows that the operator's web browser provides a direct connection to a server in one of the information hubs or to a central server in the system, thereby filling in a ticket for a travel reservation, and also serving as a travel agent.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

- Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

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Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.  
March 4, 2010

/Akiba K Robinson-Boyce/

Primary Examiner, Art Unit 3628